

REMARKS

Reconsideration of the captioned application as amended herewith is respectfully requested.

- a) Requested correction of the patent identified as US Patent No. 2157224 in the Specification and in the IDS submission on 17 March 2005;
- b) Objected to claim 12 under 37 CFR 1.75 as allegedly being a substantial duplicate of claim 1;
- c) Rejected claims 1, 2, and 5 - 13 under 35 USC §103(a) as being allegedly unpatentable over WO 00/33893 to Cullen ("Cullen"); and
- d) Rejected claims 1, 3, 4, and 19 under 35 USC §103(a) as being allegedly unpatentable over WO 98/00180 to Watt et al. ("Watt") in view of Cullen;

This Response is submitted simultaneously with a petition for a **one (1) month extension of time**, which extends the period of response from 13 May 2008 to 13 June 2008.

Applicants amended the Specification on page 12 in order to address the inadvertent typographical error in the cited U.S. Patent as requested in the Office Action. Also attached herewith is a Supplemental IDS and Form 1449, which lists this US Patent.

Claims 2 and 14 – 18 are cancelled. Claims 1 – 13 and 19 remain pending in this application after entry of this Response.

Claim 1 was amended in order to highlight a novel feature of the invention. Support for this amendment may be found in claim 2 and the Specification as originally filed at, for example, page 4, lines 25 – 27, and as such, this amendment does not introduce new matter into the Specification. Applicants' amendment herein is not a concession or admission that original claim 1 or 2 are unpatentable. Applicants reserve the right to prosecute the subject matter of these claims in a continuing application.

I. The Objection of Claim 12 Under 37 CFR 1.75 Should Be Withdrawn

According to the Office Action, Claim 12 would "be objected to under 37 CFR 1.75 as being a substantial duplicate thereof" in the event that claim 1 should be found allowable. Applicants respectfully disagree for the reasons that follow.

Claim 1 is directed to a "wound dressing composition..." (emphasis added). By contrast, claim 12 is directed to a " wound dressing comprising a wound dressing composition according to claim 1 " (emphasis added). That is, claim 12 is directed to a particular form or embodiment, i.e., a

“wound dressing.” In view of the use of the open-ended “comprising” language in claim 12, the wound dressing of claim 12 contains the “wound dressing composition according to claim 1” and may optionally contain at least one other component. Therefore, because claim 1 is directed to “a wound dressing composition” and claim 12 by contrast is directed to a “wound dressing” embodiment, and in view of the above arguments, Applicants respectfully submit that the objection to claim 12 under 37 CFR 1.75(c) has been overcome and should be withdrawn.

II. The Rejection of Claims 1, 2, and 5 - 13 Under 35 USC §103(a) Over Cullen Should Be Withdrawn

Claims 1, 2, and 5 - 13 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Cullen. Applicants respectfully disagree for the reasons that follow.

According to the Office Action, “Cullen does not specifically exemplify a composition comprising both oxidized cellulose and chitosan. However, it would have been prima facie obvious... to obtain a wound dressing composition comprising (i) chitosan and (ii) oxidized cellulose... because Cullen teaches a sterile composition which can be used as a wound dressing ... including a therapeutic peptide and a polysaccharide selected from the group consisting of oxidized celluloses, chitosans and salts and mixtures thereof.” Applicants respectfully submit that the Office Action has failed to set forth a prima facie basis of obvious for the claims as presently clarified.

Cullen is directed to a “sterile composition comprising a complex of a therapeutic peptide and a polysaccharide selected from the group consisting of cellulose derivatives, chitin, chitosans, galactomannans, and mixtures thereof.” Not only does Cullen fail to “specifically exemplify a composition comprising both oxidized cellulose and chitosan” as expressly acknowledged in the Office Action, but Cullen further is directed to a complex of (a) a therapeutic peptide and (b) a polysaccharide. See Cullen, page 4, lines 28 – 31 (emphasis added). Thus, in view of the fact that Cullen teaches the use of such a complex, Applicants respectfully submit that Cullen fails to disclose or suggest “an intimate mixture consisting essentially of a chitosan and an oxidized cellulose” as claimed herein. As such, Applicants respectfully submit that the rejection of claim 1 under 35 USC §103(a) as allegedly being unpatentable over Cullen should thereby be withdrawn.

Claims 2 and 5 - 13 are dependent upon independent claim 1 and thus incorporates all of the limitations of claim 1 therein. In view of that fact and the cancellation of claim 2 herein, Applicants respectfully submit that the rejection of claims 2 and 5 - 13 under 35 USC §103(a) as allegedly being unpatentable over Cullen has been overcome for the reasons set forth above. As such, Applicants respectfully submit that the rejection of claims 2 and 5 - 13 under 35 USC §103(a) as allegedly being unpatentable over Cullen should thereby be withdrawn.

II. The Rejection of Claims 1, 3, 4, and 19 Under

35 USC §103(a) Over Watt and further in view of Cullen Should Be Withdrawn

Claims 1, 3, 4, and 19 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Watt in view of Cullen. Applicants respectfully disagree for the reasons that follow.

Assuming *arguendo* that there would be motivation to combine Watt with Cullen, Applicants respectfully maintain that the resulting combination still would lack at least one element in independent claim 1, i.e., e.g., “an intimate mixture consisting essentially of a chitosan and an oxidized cellulose” (emphasis added). The Office Action has failed to show where Watt discloses or suggests the use of such an “an intimate mixture consisting essentially of a chitosan and an oxidized cellulose” as claimed in independent claim 1. As such, Applicants respectfully submit that the rejection of claim 1 under 35 USC §103(a) as allegedly being unpatentable over Watt in view of Cullen should thereby be withdrawn.

Claims 3, 4, and 19 are dependent upon independent claim 1 and thus incorporates all of the limitations of claim 1 therein. In view of that fact, Applicants respectfully submit that the rejection of claims 3, 4, and 19 under 35 USC §103(a) as allegedly being unpatentable over Watt in view of Cullen has been overcome for the reasons set forth above. As such, Applicants respectfully submit that the rejection of claims 3, 4, and 19 under 35 USC §103 has been overcome and should be withdrawn.

Conclusion

It is submitted that the foregoing amendments and remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

In the event that all of the claims are not in condition for allowance, Applicants respectfully request for an interview with the Examiner before the preparation of the next Office Action.

Respectfully submitted,

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Att.
Petition for a one (1) month extension of time
Supplemental IDS and Form 1449